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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,415	11/28/2001	Steven A. Van Slyke	83401RLO	4107

7590 10/03/2003
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EXAMINER

BUEKER, RICHARD R

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/996,415	Applicant(s) VAN SLYKE ET AL.	
	Examiner Richard Bueker	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Richard Bueker
Richard Bueker
Primary Examiner
Art Unit: 1763

Continuation of 3. Applicant's reply has overcome the following rejection(s): the rejection of claims 1,3-7, 15 and 17 under 35 USC 112, 2nd para., the rejection of claims 1, 3-6, 15 and 17 over Spahn in view of Green and Yamazaki, and the rejection of claim 7 over Spahn in view of Green, Yamazaki

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants have argued that Spahn does not disclose providing two discrete heaters. It is noted, however, that Spahn, in the paragraph bridging cols. 7 and 8, teaches that his container housing 10 is provided with electrical connecting flanges 11 and 13, which are separate from the electrical connecting flanges 21 and 23 of the top plate 20. While both sets of electrical connectors are connected to the same power source, the top plate 20 and container housing 10 have separate electrical connectors, and also have separate heating functions or purposes. The question of whether they are two separate heaters or just one heater is not as important as the fact that Spahn teaches the desirability of providing two separate heating functions: (1) vaporization heating by the top plate 20, and (2) bias-level heating of the container to enhance slow outgassing. Spahn teaches that the top plate heater is for radiantly heating the evaporant, while the container housing heater is for providing bias-level heating (see Spahn at col. 8, lines 12-15). Applicants have also argued that Spahn is for vaporizing the material, not for providing a bias temperature (insufficient to vaporize the material). It is noted, however, that Spahn does teach (col. 8, lines 12-15) bias heating of the container.

Applicants have argued that Soden's lid heater is for keeping the lid hot enough to prevent condensation of coating material on the lid. It is noted, however, that Spahn's heated lid will inherently perform this same desirable function.

Spahn discloses several embodiments of thermal physical vapor deposition sources for vaporizing solid organic materials, and as noted previously, he specifically suggests using a vaporization container made of an electrically insulative ceramic. His Fig. 9 embodiment (see also col. 8, lines 49-67) illustrates the vaporization heater 20 of his invention disposed on upper side wall surfaces of an electrically insulative container for receiving the vaporizable solid organic material. Spahn does not discuss the use of an additional container heater in conjunction with the Fig. 9 embodiment to provide bias level heating for the electrically insulative container. It is noted, however, that in his discussion of his Fig. 6 embodiment, Spahn (col. 8, lines 1-15) also teaches that it is desirable to provide a vaporizer container with an additional heater to provide bias-level heating, in order to enhance slow outgassing of gases trapped in the solid organic source material. One skilled in the art would have recognized that Spahn's suggestion of providing an additional container bias heater to promote slow out-gassing was also applicable to the Fig. 9 embodiment, because eliminating trapped gases would be just as desirable in the Fig. 9 embodiment as in the Fig. 6 embodiment. For that reason, it would have been obvious to one skilled in the art to apply Spahn's suggestion at col. 8, lines 12-15 of bias-level heating to enhance slow outgassing to the electrically insulative container embodiment of Fig. 9. The one remaining question is whether the particular means for heating a ceramic vaporization container as recited in the present claims is nonobvious. It is noted, however, that Spahn (col. 1, lines 42-47) teaches that it is well known to heat a ceramic vaporization container by surrounding it with a resistive heater. Furthermore, Green (Fig. 1) illustrates a specific example of a ceramic vaporization container defined by side and bottom walls as claimed, wherein the ceramic container is disposed in a heater that is also defined by side and bottom walls as claimed. Since this type of ceramic vaporization container heater was well known in the prior art as a successful heating means, as evidenced by Spahn at col. 1, lines 42-47, and by Green, it would have been prima facie obvious to it as the heating means for applying bias-level heating, as suggested by Spahn, to Spahn's Fig. 9 vaporization container to desirably enhance slow outgassing. Soden provides further motivation for such a combination of prior art teachings, because Soden teaches that the use of separately controllable heaters provides more operating flexibility.

It is recognized that Spahn's Fig. 9 embodiment is optimized for use without an additional heater for the vaporization container, because Spahn provides it with a mirror coating 60 to retain heat. It still would have been obvious to one skilled in the prior art to modify Spahn's Fig. 9 embodiment to include a bias-level container heater as a substitute for the mirror coating 60, because Spahn discloses embodiments both with and without the bias-level heater, and he clearly explains the reason for including such a bias-level heater, which is to desirably enhance slow outgassing. As noted above, one skilled in the art would have recognized that enhancing slow outgassing would be just as desirable and just as applicable to the ceramic container of Spahn's Fig. 9 as it was to the metallic container of Spahn's Fig. 6.